

**DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT
for
U.S. Army Corps of Engineers**

I. Decision:

It is my decision that the Bureau of Land Management (BLM) grant a right-of-way to the U.S. Army Corps of Engineers for a period of three years, with the right of renewal, pursuant to Title V of the Federal Land Policy and Management Act of 1976 and 43 CFR 2800. The right-of-way is located in Secs. 16, 17, and 22, T. 28 S., R. 20 W., Seward Meridian.

The standard stipulations and mitigation measures identified for the Proposed Action, are adopted as stipulations and attached to the Decision Record and the right-of-way grant.

II. Rationale for the Decision:

No land use plan exists for the area identified in the application. However, this environmental analysis assesses the impacts of the proposed action and provides a basis for a decision on the proposal (43 CFR 1610.8(b)(1)). The decision to allow the Proposed Action will not result in any undue or unnecessary environmental degradation. The Proposed Action will authorize the U.S. Army Corps of Engineers to conduct geophysical exploratory investigations in the most favorable location.

III. Finding of No Significant Impact:

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

No significant restrictions of subsistence uses under Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) have been found.

/s/ Stu Hirsh, Acting
Anchorage Field Manager

11/01/00
Date

2 Attachments

Environmental Assessment AK-040-EA01-002
Stipulations

STIPULATIONS

1. Cultural and Paleontological Resources:

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.

2. Waste Disposal:

Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

3. Industrial Wastes and Toxic Substances:

The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

4. Soil Stabilization and Rehabilitation:

(1) No sampling or removal activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in the ground, the soil shall be deemed too wet to adequately support construction equipment.

(2) The Holder shall recontour disturbed areas and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the ground as determined by the Authorized Officer.

(3) If disturbed areas do not revegetate naturally within one growing season, they will be seeded with a seed mixture appropriate for the area involved. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the Authorizing Officer upon evaluation after the first growing season.

5. Termination of the Right-of-Way Grant:

Three months prior to the termination of the right-of-way, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way.

6. Protection of Survey Monuments:

The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.

7. Well Abandonment:

For protection of groundwater quality, well abandonment should follow the Alaska Department of Environmental Conservation guidance: Recommended Practices for Monitoring Well Design, Installation, and Decommissioning, 1992; and/or comparable U.S. Environmental Protection Agency standards.

8. Analytical Reports of Sampling:

The Holder of the right-of-way grant agrees to provide copies of the analytical report of the findings after soil and ground water well sampling.

9. Burma Road Site Investigation, Kodiak Island, Work Plan:

The Holder of the Right-of-Way Grant, the United States Department of the Army, U.S. Army Corps of Engineers, Alaska District, and its agent, also agrees to the mitigating measures included in the Burma Road Site Investigation, Kodiak Island, Work Plan.